

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

4D FACTORY, INC., et al.,

Debtors.¹

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THE 4D FACTORY LLC and
NEON MEDIA LLC,

Plaintiffs,

-against-

Chapter 11
(Subchapter V)
Case No.: 23-11618 (MEW)
(Jointly Administered)

Adv. Pro. No. 24-01319 (MEW)

MARK LONG, COLIN FORAN,
NAOMI LACKAFF, AARON NONIS,
DON NORBURY, MARK YEEND,
CALVIN ZHOU, GRIFFIN GAMING
PARTNERS II, L.P., GRIFFIN GAMING
PARTNERS II SIDE FUND, L.P., POLYCHAIN
VENTURES II LP, POLYCHAIN VENTURES II
(PARALLEL) LP, PIERRE-EDUOARD
PLANCHE, BENJAMIN PERSZYK,
JOSH ROSENTHAL, ARGON PROTOCOL
FOUNDATION, ARGON ASSET VENTURES
CORP., and NEON MACHINE, INC.,

**NOTICE REGARDING PLAINTIFFS'
MOTION TO AMEND UNDER F.R.C.P.
15, TO ASSERT COUNTERCLAIMS
UNDER F.R.C.P. 13, AND FOR
JOINDER UNDER F.R.C.P. 19 OR 20**

Defendants,

and

CORT JAVARONE, SCOTT HONOUR,
AND STEVE HOROWITZ

Counterclaimants.

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¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtors' federal tax identification number, are 4D Factory Inc. (6770), and The 4D Factory LLC (8935).

Plaintiff, The 4D Factory LLC (“4D”), Counterclaimants Cort Javarone, Scott Honour, and Steve Horowitz (together “4D Board Claimants”), and Neon Media LLC (all together “4D Claimants”) hereby notify the Court that the Second-Amended Complaint attached as Exhibit 1 to this Notice will replace the Exhibit 1 attached to Plaintiffs’ Motion to Amend Under F.R.C.P. 15 filed on August 9, 2024 (ECF No. 45). In accordance with the Amended Stipulation and Scheduling Order Regarding Second Amended Complaint, Third-Party Complaint, and all Counterclaims (ECF No. 47), this amended Exhibit 1 eliminates two claims. And with these changes Defendants are no longer opposed to Plaintiffs’ Motion to Amend.

For these reasons, the 4D Claimants respectfully ask that the Court grant them leave to file the Second-Amended Complaint, which is attached as Exhibit 1 to this Notice.

Dated: September 2, 2024

LAWSON & MOSHENBERG PLLC

Attorneys for Plaintiff, Cort Javarone, Scott Honour, Steve Horowitz, and Neon Media LLC

By: /s/ Nick Lawson

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served on counsel of record via the Court's CM/ECF filing system on September 2, 2024.

/s/ Nicholas R. Lawson

Nicholas R. Lawson